

1 U.S.T. 188

TURKEY

ECONOMIC COOPERATION

TIAS 2037

1 U.S.T. 188

January 31, 1950, Date-Signed

January 31, 1950, Date-In-Force

STATUS:

[*1] Protocol amending the agreement of July 4, 1948. Signed at Ankara January 31, 1950; entered into force January 31, 1950.

PROTOCOL OF AMENDMENT of the Economic Cooperation Agreement signed July 4, 1948 between
The United States of America and The Republic of Turkey
Amerika Birlesik Devletleri ile Turkiye Cumhuriyeti arasında 4 Temmuz 1948 tarihinde imzalanan
Ekonomik Isbirligi Anlasmasini tadir eden Protokol.

TEXT:

The Governments of the United States of America and of the Republic of Turkey:

Desiring to amend the Economic Cooperation Agreement between them, signed at Ankara, July 4, 1948;

Recognizing that the Government of the Republic of Turkey has expressed its adherence to the purposes and policies of the Economic Cooperation Act, 1948, as heretofore amended,

Have agreed to amend the Economic Cooperation Agreement as follows:

1. At the end of paragraph 2 of Article III change the period to a comma and insert "and the Government of the United States of America will be subrogated to any right, title, claim or cause of action existing in connection with such liras or credits in liras".

2. Change the number of the present Article IV to Article V and add a new Article IV, as follows:

"1. The [*2] provisions of this article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

"2. The Government of the Republic of Turkey will establish a special account in the Central Bank of the Republic of Turkey in the name of the Government of the Republic of Turkey (hereinafter called the Special Account) and will make deposits in liras to this account in amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information

(including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to the Republic of Turkey on a grant basis by any means authorized under the Economic Cooperation Act of 1948. The Government of the United States of America shall from time to time notify the Government of the Republic of Turkey of the indicated dollar cost of any such commodities, services and technical information, and the Government of the Republic of Turkey will thereupon deposit in the Special Account a commensurate amount of liras computed at a rate of exchange which shall be the [*3] par value agreed at such time with the International Monetary Fund; provided that this agreed value is the single rate applicable to the purchase of dollars for imports into the Republic of Turkey. If at the time of notification a par value for the lira is agreed with the Fund and there are one or more other rates applicable to the purchase of dollars for imports into the Republic of Turkey, or, if at the time of notification no par value for the lira is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Government of the United States of America and the Government of the Republic of Turkey. The Government of the Republic of Turkey may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

"3. The Government of the United States of America will from time to time notify the Government of the Republic of Turkey of its requirements for administrative expenditures in liras within the Republic of Turkey incident to operations under the Economic Cooperation Act of 1948, and the Government of the Republic of Turkey will thereupon make such sums [*4] available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

"4. Five percent of each deposit made pursuant to this article shall be allocated to the use of the Government of the United States of America for its expenditures in the Republic of Turkey, and sums made available pursuant to paragraph 3 of this article shall first be charged to the amount allocated under that paragraph.

"5. The Government of the Republic of Turkey will further make such sums of liras available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in the Republic of Turkey to the consignee's designated point of delivery in the Republic of Turkey of such relief supplies and packages as are referred to in Article VI.

"6. The Government of the Republic of Turkey may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of the Republic of Turkey [*5] for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in the Republic of Turkey and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within the Republic of Turkey, including in particular:

(a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of the Republic

of Turkey and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

- (b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States; and
- (c) effective retirement of the national debt, especially debt [*6] held by the Central Bank of the Republic of Turkey or other banking institutions.

"7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this article, remaining in the Special Account on June 30, 1952, shall be disposed of within the Republic of Turkey for such purposes as may hereafter be agreed between the Governments of the United States of America and the Republic of Turkey, it being understood that the agreement of the United States of America shall be subject to approval by Act or Joint Resolution of the Congress of the United States of America."

3. Change the number of the present Article V to Article VI and add thereto the following paragraph number 2:

"2. The Government of the Republic of Turkey will, when so requested by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into the Republic of Turkey of supplies of relief goods donated to or purchased by United States voluntary nonprofit relief agencies and of relief packages originating in the United States of America and consigned to individuals [*7] residing in the Republic of Turkey."

4. Change the number of Article VI to Article VII and change the reference in paragraph 3 thereof from Article IV to Article V.

5. Change the number of Article VII to Article VIII, Article VIII to Article IX, and Article IX to Article X.

6. Change the number of Article X to Article XI and amend the text thereof to read as follows:

"As used in this agreement:

(a) the term 'participating country' means

- (i) any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and
- (ii) any other country (including any of the Zones of Occupation of Germany, and areas

under international administration or control, and the Free Territory of Trieste or either of its Zones) wholly or partly in Europe, together with dependent areas under its administration, for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery [*8] designed to accomplish the purposes of this agreement.

(b) the term 'Economic Cooperation Act of 1948' means 'The Economic Cooperation Act of 1948, as heretofore amended'."

7. Change the number of Article XI to Article XII; change the references in paragraph 2 thereof from Article IV to Article V and from Article VI to Article VII; and change the text of paragraph 3 thereof to read as follows:

"3. Subsidiary agreements and arrangements negotiated pursuant to this agreement may remain in force beyond the date of termination of this agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of the Republic of Turkey required to be deposited in accordance with its own terms have been disposed of as provided in that article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that article may be made by the Government of the United States of America."

8. Change the references in paragraphs 6, 7, 8 and 9 of the Annex from Article IV to Article V, Article VI to Article VII, Article VIII to Article [*9] IX, and Article IX to Article X.

9. Delete the text of paragraph 10 of the Annex and insert in its place the following:

"It is understood that the time of notification to which reference is made in Article IV, paragraph 2 for the purpose of determining the rate of exchange to be used in computing the deposits to be made upon notifications to the Government of the Republic of Turkey of the indicated dollar cost of commodities, services, and technical information shall, in the case of each notification covering a disbursement period, be deemed to be the date of the last day of the disbursement period covered by the notification."

This protocol enters into force on the date of its signature.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present protocol.

DONE at Ankara, in duplicate, in the English and Turkish languages, both texts authentic, this thirty-first day of January, 1950.

Amerika Birlesik Devletleri Hukumeti ile Turkiye Cumhuriyeti Hukumeti:

4 Temmuz 1948 tarihinde Ankara'da imzaladıkları Ekonomik İşbirliği Anlaşmasının tadilini arzu ederek; ve

Turkiye Cumhuriyeti Hukumetinin, tadil edilmiş son sekli ile 1948 Ekonomik [*10] Isbirligi Kanununun gayelerine ve esaslarina iltihak ettigini aciklamis oldugunu goz onunde tutarak;

Ekonomin Isbirligi Anlasmasini asagidaki sekilde tadil etmek hususunda mutabik kalmislardir:

"1.- III'inci maddenin 2'nci fikrasi sonundaki nokta virgul yapilarak "ve Amerika Birlesik Devletleri Hukumeti bu kabil liralari ve lira alacaklari hususunda her hangi bir hakka, tasarrufa, bir hak talebine veya dava hakkina halef olacaktir." ibaresi ilave edilecektir.

2.- IV'ncu maddenin numarası V'e gecirilerek [ILLEGIBLE WORD] sekilde yeni bir IV'ncu madde ilave edilecektir:

"1.- Bu maddenin hukumleri, ancak Amerika Birlesik Devletleri Hukumetince hibe esasi dairesinde yapılan yardım icin tatbik edilecektir.

"2.- Turkiye Cumhuriyeti Hukumeti, Turkiye Cumhuriyet Merkez Bankasinda, Turkiye Cumhuriyeti Hukumeti namina hususi bir hesab acacak (asagida "hususi hesab" adi ile anilacaktir), ve 1948 Ekonomik Isbirligi Kanunu geregince musaade edilen her hangi bir vasita ile hibe esasi dairesinde Turkiye Cumhuriyeti emrine verilen emtia, hizmet ve teknik bilginin Amerika Birlesik Devletleri Hukumetine mal oldugu bildirilen dolar kiymeti ile, (isleme, depo, nakil, tamir masraflari ve bunlara muteallilik [*11] diger servislerin masraflari dahil) mutenasisip miktarlarda Turk liralari bu hesaba yatiracaktir. Amerika Birlesik Devletleri Hukumeti bu kabil emtia, hizmet ve teknik bilgiye karsılıgi gosterilen dolar kiymetini zaman zaman Turkiye Cumhuriyeti Hukumetine bildirecek, Turkiye Cumhuriyeti Hukumeti bunun uzerine tebligat sirasinda Milletlerarasi Para Fonu ile uyusulacak basa bas kiymete esit bir kambiyo rayici uzerinden hesablanan mutenasisib mikarda Turk lirasini hususi hesaba yatiracaktir; ancak bu uyusulan kiymetin Turkiye Cumhuriyetine ithal maksadile dolar mubayaasi icin tatbik edilen tek rayic olmasi şarttır. Tebligat sirasinda Turk lirasina mahsus bir basa bas kiymet icin Milletlerarasi Para Fonu ile uyusulmus olmakla beraber Turkiye Cumhuriyetine ithal edilmek maksadile dolar mubayaasi icin tatbik edilen baska bir veya birden fazla rayic bulunursa veya tebligat sirasinda Turk lirasina mahsus bir basa bas kiymet icin Fon ile uyusulmamis ise bu maksat icin rayic veya rayicler Amerika Birlesik Devletleri Hukumeti ile Turkiye Cumhuriyeti Hukumeti arasında karsilikli olarak kararlastirilacaktir. Turkiye Cumhuriyeti Hukumeti her zaman hususi hesaba pesinen para yatirabilecek ve bu para [*12] isbu fikra geregince muahher ihbarlara karsi matluba kaydedilecektir.

"3.- Amerika Birlesik Devletleri Hukumeti, 1948 Ekonomik Isbirligi Kanunu geregince yapılan faaliyet ile ilgili olarak Turkiye dahilinde ihtiyar edilecek idari masraflar icin ihtiyaci olan Turk liralari Turkiye Cumhuriyeti Hukumetine zaman zaman tebliğ edecek ve Turkiye Cumhuriyeti Hukumeti bunun uzerine Amerika Birlesik Devletleri Hukumetinin tebliğinde talep olunan sekilde hususi hesaptaki bakiyelerden bu kabil meblaglari emre amade tutacaktir.

"4.- Bu maddeye tevfikan yatirilan mevduatthan her birinin % 5'i, Turkiye Cumhuriyeti dahilindeki masraflari icin kullanilmak uzere Amerika Birlesik Devletleri Hukumetinin emrine tahsis edilecek, ve bu maddenin 3 uncu fikrasi geregince emre amade kilinan meblaglar evvela mezkur fikra geregince tahsis olunan miktdan tenzil edilecektir.

"5.- Turkiye Cumhuriyeti Hukumeti ayrica, VI inci maddede zikri gecen yardım malzemesi ile yardım

paketlerinin Turkiye Cumhuriyeti dahilindeki herhangi bir giriş noktasından mursilulehin Turkiye Cumhuriyeti dahilinde gosterecegi teslim noktasina kadar nakliye masraflarini (Liman, depo, hamaliye masraflari ve mumasil masraflar dahil) karsilamak [*13] uzere ihtiyac duyulacak liralari hususi hesaptaki bakiyelerden emre amade tutacaktir.

"6.- Turkiye Cumhuriyeti Hukumeti, Amerika Birlesik Devletleri Hukumeti ile zaman zaman uyusulacak maksatlar icin hususi hesapta artan bakiyeden para cekebilecektir. Hususi hesaptan para cekmek icin Turkiye Cumhuriyeti Hukumeti tarafindan ileri surulen teklifleri incelerken, Amerika Birlesik Devletleri Hukumeti, Turkiye Cumhuriyeti dahilinde nakdi ve mali istikrari desteklemek veya idame etmek ve Turkiye Cumhuriyeti dahilinde, istihsal faaliyetini, milletlerarası ticareti ve yeni kaynaklari gelistirmegi ve bunlara matuf arastirmalari tesvik etmek hususundaki ihtiyaci ve bilhassa:

- a) Turkiye Cumhuriyeti'nin ve diger katilan memleketlerin istihsal kapasitesini gelistirmeye matuf sumullu bir programin bir kismini teskil edenler de dahil olmak uzere, projeler ve programlar icin yapılan sarfiyati, ve dis odemeleri Amerika Hukumetinin 1948 Ekonomik Isbirligi Kanunu geregince veya baska suretle yaptigi yardim ile veya Milletlerarası Imar ve Kalkinma Bankasi'nin istikrazlarile karsilamakta olan projeler veya programlari;
- b) Amerikan kaynaklarindaki eksiklikler veya muhtemel eksiklikler dolayisile Amerika [*14] Birlesik Devletleri'nde ihtiyac duyulabilecek olan malzemenin daha fazla istihsal imkanlarini arastirmak veya gelistirmek icin yapılan masraflari; ve
- c) Milli borcun, bilhassa Turkiye Cumhuriyet Merkez Bankasi veya diger bir banka muesseseleri nezdindeki borcun tesirli sekilde itfasini, nazari itibara alacaktır.

"7.- Bu maddenin 4 uncu fikrasi geregince tahsis edilen paranin sarfedilmemis miktarları haric olmak uzere, 30 Haziran 1952 de hususi hesapta kalacak herhangi bir gayri mahsur bakiye, Amerika Birlesik Devletleri Hukumetile Turkiye Cumhuriyeti arasında bundan sonra uyusulacak maksatlar icin Turkiye Cumhuriyeti dahilinde sarfedilecektir. Ancak Birlesik Amerika'nin mutabakati, kanun veya Amerika Birlesik Devletleri Kongresinin musterek kararile tasvip edilmek sartina tabi bulunacaktır.

3 - Simdiki V inci maddenin numarası VI ya cevrilerek, asagidaki iki numarali fikra ilave edilecektir.

"2.- Turkiye Cumhuriyeti Hukumeti, Amerika Birlesik Devletleri Hukumeti tarafindan talep edildigi zaman, kar esasina dayanmiyan Amerikan Yardim tesekkulerine teberru veya bu kabil tesekkulerce mubayaa olunan yardim malzemesi stoklarinin ve Amerika Birlesik Devletlerinden gonderilmis olup Turkiye [*15] Cumhuriyeti dahilinde mukim sahislara tevdi edilecek olan yardim paketlerinin Turkiye Cumhuriyeti'ne girisini kolaylastirmak uzere (munasip garantiler altında gumrukten muafiyet saglanması dahil) anlasmalar icin muzakerelere girisecektir."

4 - VI inci maddenin numarası VII ye cevrilecek ve bu maddenin ucuncu fikrasindaki madde IV kelimesi madde V'e tahvil edilecektir.

5 - VII'inci maddenin numarası VIII, VIII'inki IX's ve IX unki X'a cevrilecek.

6 - X'uncu maddenin numarası XI'e cevrilecek ve metni asagidaki sekilde tadil edilecektir:

"Bu Anlasma'da kullanilan:

a) "Katilan memleket" tabiri:

(i) 22 Eylul 1947'de Paris'de Avrupa Ekonomik Isbirligi Komitesinin raporunu imzalamis bulunan herhangi bir memleket ve o memleketin Milletlerarasi mes'uliyet tasidigi ve o memleket ile Amerika Birlesik Devletleri Hukumeti arasında mun'akit Ekonomik Isbirligi Anlasmasi'nin tatbik edildigi topraklar, ve

(ii) (Almanya'nin isgal altindaki bolgelerinden herhangi birisi, ve milletlerarasi idare veya kontrol altindaki sahalar ve serbest Trieste topragi veya onun iki bolgesinden herhangi biri dahil olmak uzere), Avrupa Ekonomik Isbirligi Sozlesmesi'ne taraf teskil ettigi ve bu Anlasma'nin gayelerini gerceklestirmeye [*16] matuf bulunan musterek bir Avrupa Kalkinma Programina baglandigi muddetce butunu veya bir kismi Avrupa' da bulunan diger herhangi bir memleket ile onun idaresi altindaki tabi sahalar demektir.

(b)" 1948 Ekonomik Isbirligi Kanunu" tabiri tadil olunmus son sekli ile "1948 tarihli Ekonomik Isbirligi Kanunu" demektir.

7 - XI inci maddenin numarası XII ye cevrilecek; bu maddenin 2 inci fikrasindaki IV uncu madde V'e ve VI'nci madde VII'ye tahvil edilecek; ve ayni maddenin 3 uncu fikrasi metni asagidaki sekilde degistirilecektir:

"3.- Bu Anlasma'ya tevfikan muzakere edilen fer'i anlasmalar ve diger mutabakatlar bu Anlasma'nin hitam tarihinden daha ilerisi icin yururlukte kalabilir, ve bu kabil fer'i anlasmalarla diger mutabakatların yururluk devresi ihtiya ettikleri şartlara bagli bulunacaktır. Madde IV kendi hukumlerine tevfikan yatirilmasi gereken butun Turk parası tutarlarının bu maddede mesrut kilindigi sekilde elden cikarilmasina degin yururlukte kalacaktır. III'uncu maddenin 2 inci fikrasi, o maddede zikri gecen garanti tediyatin Amerika Birlesik Devletleri Hukumeti tarafindan yapildigi muddetce yururlukte kalacaktır.

8 - Ekin 6, 7, 8 ve 9 uncu fikralarindaki madde IV V'e; madde VI [*17] VII'ye; madde VIII IX'a; ve madde IX X'a cevrilecektir.

9.- Ekin 10'ncu fikrasi metni cikarilacak ve yerine asagidaki metin ikame edilecektir:

"Emtia, hizmet ve teknik bilginin gosterilen dolar kiymeti hakkında Turkiye Cumhuriyeti Hukumetine yapılan tebligler uzerine yatirilacak mevduatin hesab edilmesinde kullanilacak olan kambiyo rayicini tayin icin IV'ncu maddenin 2'nci fikrasinda bahis konusu edilen teblig zamani, bir tediye devresine muteallik olan her teblig hususunda, tebligin taalkuk ettigi tediye devresinin son gunu olarak kabul edilecektir."

Bu Protokol, imzasi tarihinden itibaren yururluge girecektir.

Bunu teyiden iki tarafın geregi gibi yetkili olan temsilcileri isbu Protokolu imza etmislerdir.

1950 senesi Ocak ayinin 31 inci gunu, her ikisi de ayni derecede muteber olmak uzere Ingilizce ve Turkce ikiser nusha olarak Ankara'da tanzim edilmistir.

SIGNATORIES:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

WARWICK PERKINS

[SEAL]

FOR THE GOVERNMENT OF THE REPUBLIC OF TURKEY:

Z AKDUR

[SEAL]

Amerika Birlesik Devletleri Adina

Turkiye Cumhuriyeti Hukumeti Adina